

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager

DATE: December 12, 2012

SUBJECT: REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE HELD ON

MONDAY, NOVEMBER 19, 2012.

A meeting of the Neighborhood/Community Affairs Committee was scheduled for Monday, November 19, 2012 at 3:00 pm, and was held in the Training Room Located at 1755 Meridian Avenue, 3rd Floor. **Commissioners in attendance**: Commissioners Ed Tobin and Jerry Libbin. Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

THE MEETING OPENED AT 3:27 PM.

1. Discussion To Enhance The Capital Project Entitled Normandy Shores Golf Course Aluminum Picket Security Fence. (3:27PM)

Commissioner Libbin recapped the background of this discussion to enhance the security fence around Normandy Shores Golf Course.

Interim City Manager Kathie Brooks stated that it was discussed that there be some sort of a delineator to clearly show the property line.

Input was received from the public:

Daniel Vetia spoke Paul Mokha spoke. Mickey Minagorry spoke. Glenda Phipps spoke. Susan Fleming spoke.

ACTION: The Committee (Commissioners Tobin and Libbin present) unanimously moved to proceed with placement of a six (6) foot aluminum fence/hedge combination placed away from the homes along the natural boundary of the golf course's field of play. Final location to be determined based on a survey of the area. Another delineator (TBD) at the property line as agreed upon by the Administration and the South Shore Drive residents was recommended

The Committee also recommended in support of a low hedge around the other unsecured areas of the golf course and recommend the City consider funding during the next budget cycle when working on capital appropriation.

Finally, the Committee also recommended the administration and City Attorney's Office research the placement of guard gate at North Shore Drive Bridge and have a community meeting with residents.

2. Discussion Regarding Licensing And Authorization Requirements For Mobile Trucks And Proposal For A City Sponsored Food Truck Festival. (3:57 PM)

Acting Assistant City Manager Max Sklar recapped the background of this discussion. He informed the Committee that the last event took place November 7, 2012. The event was successful and well attended by both the vendors and residents/visitors.

Commissioner Tobin would like to see what we can do in the North Beach area to stimulate the area. The Food Truck event should just be the beginning of something for North Beach.

Commissioner Libbin withdrew the Festival of the Arts item as the community did not feel the Festival was in the best interest for the community. He also suggested that the event shouldn't be called Food Truck Festival, instead it should be tied to another activity in the community. He wants to make sure that we do a better job with creating a program such as films, skating, etc.

Commissioner Libbin commented on the Community Development of the North Beach area, and suggested that the City administration take a look at a proposal that was presented back in 1999/2000 while he was President of the North Beach Development Corporation. The proposal was to develop a 72nd street service lot. It was an amazing proposal and he thinks we need to look at this proposal again. It had elevated plaza, etc. Secondly, he would like to put forth a study of the 8 blocks 78 to 86 streets and find opportunities. Perhaps bring in hotels and develop an entire project and start to bring in some high end retailers. He would like for administration to begin putting out some RFP and do a study.

Commissioner Tobin agreed and he was glad that they are both on the same page.

Interim City Manager Kathie Brooks pointed out that these developments of these lots as referenced by Commissioner Libbin would require a citywide referendum. It was also stated that the Planning Board has been looking at it as well, and should be referred to the Land Use and Development Committee.

City Attorney, Jose Smith mentioned that a few years ago, a master plan was done to revitalize The North End particularly these 8 blocks.

Public input was heard.

Christine Flores spoke Margueritte Ramos spoke Carol Housen spoke Daniel Vetia spoke Mickey Minagorri spoke

Returning the conversation back to the Food Truck topic, Acting Assistant City Manager Max Sklar indicated that expenditures were limited; only four (4) police officers were paid overtime. The rest were on-duty police officers who were scheduled to work the area. He further stated that advertising is very important for the event to continue its success.

Commissioner Libbin would like to task Administration to take a look at prior proposal with Community Development of the North Beach area. Also to see a plan to bring additional events not just the Food Trucks.

ACTION: The Committee (Commissioners Tobin and Libbin present) recommended that Administration extend the event for the next year and look at reducing cost.

3. Quarterly Crime Statistics (Recurring Item On A Quarterly Basis). (4:20 PM)

Miami Beach Police Assistant Chief Mark Overton presented a quarterly report on crime statistics within the City of Miami Beach, explaining that all around crime was down 5.51% from the previous year (418 less incidents overall). He added that Police has implemented various programs such as, DUI checkpoints which occur twice a monthand Saturation Patrol for which a unit was created to patrol the most troubled areas.

Commissioner Tobin recognized Police Assistant Chief Overton and Police Captain Richard Clements for being proactive with a comprehensive effort that police has implemented in troubled areas.

Commissioner Libin commented on future events, and asked police to be ready and have some training or conversations with hotel security in regards of the major event "Art Basel"

4. Follow Up Report On The Progress Of The Cat Network's Efforts In The City Of Miami Beach (*Originally A Discussion Regarding Prohibition Of Cat Feeding In Miami Beach City Parks*). (4:31 PM)

Community Resource Coordinator, Lynn Bernstein presented the item, and the participation from PetSmart Charities and the volunteers made this program a successful one, and thanked all the volunteers who attended the meeting.

Frank del Vecchio, spoke John Curbello spoke

The Health Advisory Committee recommendations were also revewed by the Committee, but no action was taken by the Committee.

- 5. Resolutions Authorizing Agreements With Various External Entities To Assist The City In Implementing The Action Plan To Address Potential Corruption And Misconduct:
 - A. A Resolution Approving And Authorizing The City Manager And City Attorney To Negotiate An Agreement With Miami-Dade County, On Behalf Of The Miami-Dade County Office Of The Inspector General (MDCOIG), To Authorize The MDCOIG To Provide Independent Investigations Into City Practices And Operations In Order To Prevent And Detect Fraud, Waste, Financial Mismanagement, Employee Misconduct, Or Other Abuses.
 - B. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement In The Not To Exceed Amount Of \$45,000, With Miami-Dade County, Florida, On Behalf Of The Miami-Dade County Commission On Ethics And Public Trust, To Develop And Provide A Comprehensive Ethics Training Program For City Employees Who Hold Positions That Are In Regulatory Areas Of The City. (4:47 PM)

Commissioner Tobin reviewed the history of the resolutions regarding the recent investigation on charges to City of Miami Beach employees that were arrested by the Federal Bureau of Investigations.

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Joseph M. Centorino, Executive Director and General Counsel of the Commission on Ethics made a presentation regarding the Commission's proposed specialized ethics training for all City employees in regulatory functions. Mr. Centorino emphasized that the Commission is uniquely qualified to teach the course, since the purpose of the Commission on Ethics is to serve as the guardian of the public trust by, among other things, educating the public, elected and appointed officials and other public servants as to the required standards of ethical conduct.

Commissioner Libbin would like to see the administration implement a whistle blower program. The more we do to incentivize people to come forth with information regarding possible corruption the better.

Commissioner Tobin stated that the next time he brings information regarding possible corruption to the table, he would like the support of the other commissioners.

ACTION: At the conclusion of the discussion the Committee (Commissioners Tobin and Libbin present) forwarded the item without recommendation to the City Commission.

6. Discussion Regarding Proposed Amendments To The City's Film And Print Guidelines. (5:00 PM)

Commissioner Tobin began the discussion and stated that he believed that Print shoots are not the problem but rather the "party houses" were significantly more of an issue. A New Time article wrote about the parties that are going on at night. He mentioned that we need to do a better job at enforcing the City's ordinances regarding these party houses.

Acting Assistant City Manager, Max Sklar agreed that party houses seem to always cloud the discussion of filming in residential neighborhoods and increased enforcement is needed.

Graham Winick, Film & Print Production Manager spoke regarding the outreach efforts and community meetings that have taken place with regards to the Film & Print uses and the permitting process.

Commissioner Libbin suggested establishing a program that would allow residents to register for a "do not contact" list that would prevent them from being contacted for an approval to allow filming next to their property. Registration would be allowed during a specified window each year and no one would be able to remove themselves from the list during that year. This would allow the industry to know which houses are clear to work around.

Commissioner Libbin discussed his concerns that the 5 days vs. 10 days could be confusing. He mentioned that he does not think the 5 days is a resolution. He would like to see a positive message (Miami Beach welcomes the industry), etc. He suggested packaging the message accordingly with the 10 day focus.

Public input was received from the public including both residents and members of the film and print industry.

Commissioner Tobin suggested bringing discussion to Commission.

Commissioner Libbin disagreed as he feels it will be a negative battle. He suggested to move forward and recommended to go from 0 to 10.

ACTION: Commissioner Tobin suggested that our Legal Department take a look at Frank Del

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Vecchio's suggestion regarding the Zoning rule in single family districts which prohibits commercial use of private property. He would want to know if the Film & Print is a Zoning regulation and if so, should it go thru that process. Bring back to Commission in January for further discussion.

7. Discussion Regarding An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article VI, Entitled "Procurement," By Amending Division 5, Entitled "Debarment Of Contractors From City Work," By Amending Section 2-397, Entitled "Purpose Of Debarment," To Provide The Purpose For Suspensions; By Amending Section 2-398, Entitled "Definitions," To Provide Additional Definitions Regarding Suspension Of Contractors; By Amending Section 2-399, Entitled "List Of Debarred Contractors," To Provide For The Additional Listing Of Suspended Contractors; By Amending Section 2-400, Entitled "Effects Of Debarment" To Provide For The Effects Of Suspension; By Amending Section 2-401. Entitled "Continuation Of Current Contracts." To Provide That Suspension May Affect The Continuation Of Current Contracts Or Bids; By Amending Section 2-402, Entitled "Restrictions On Subcontracting," To Provide For Restrictions On Suspended Contractors; By Amending Section 2-403; Entitled "Debarment," To Provide For The Suspension Of Contractors; By Amending Section 2-404, Entitled "Causes For Debarment," By Providing For An Additional Cause For Debarment When A City Contractor Is Found To Have Committed Any Offense Indicating A Lack Of Business Integrity Or Honesty That Seriously And Directly Affects The Present Responsibility Of A City Contractor, And To Provide For Causes For Suspension; By Amending Section 2-405, Entitled "Debarment Procedures," To Provide Procedures For Suspension Of Contractors; By Amending Section 4-206, Entitled "Period Of Debarment," By Providing For Periods Of Suspension And Requests For Reducing Periods Of Suspension; Providing For Repealer; Severability; Codification; And An Effective Date. (6:00PM)

Commissioner Libbin stated his concerns with having a public board making these types of decisions. He would rather have a staff committee to advise the Commission and the Commission will make the decisions.

Frank Del Vecchio gave suggestions

Commissioner Tobin suggested having a paid staff person working with a team of staff members to present these cases to the Commission with their recommendations. He would like to see someone from CIP involved since they have the experience necessary. He would like to get the other Commissioner's input as well.

Commissioner Libbin asked on the status of the investigation regarding the 16 companies named on the affidavit.

City Attorney, Jose Smith indicated that his office has requested the files several times, but are still waiting for them.

Commissioner Libbin question the reason why we have not followed up with these companies. He would like to see some follow through. At the very least they should show how much they paid for lobbyists and what was the service. He is disappointed that we have not done anything in the last five weeks.

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City Attorney Jose Smith explained that the State Attorney's office is on an ongoing investigation and has requested that our Police Department not be involved at this time.

Commissioner Tobin would like to see our Legal Department become more aggressive with the State Attorney's office. He would like to get to the bottom.

City Attorney Jose Smith explained that in fact, the State Attorney's office has complained that Alek Boksner has been too aggressive.

Commissioner Tobin asked the City Attorney what we can do to move forward. He would like to see language that allows us to debar contractors and vendors caught engaging in unethical business deals, regardless if they have been charged with a crime or not.

City Attorney Jose Smith explained that we will have the files within a week.

Commissioner Libbin would like us to have tougher measures and we should be doing every investigation that we can possibly do. He would like to see language and have companies disclose the information regarding consultant and lobbyist.

ACTION: City Attorney to add disclosure language

8. Discussion Of Establishing Parasailing Safety Standards. (6:28 PM)

Commissioner Tobin requested to defer to Administration to establish safety standards Commissioner Libbin stated that he would like to see enforcement from both Code and Marine Patrol.

ACTION: Motion made by Commissioner Libbin to stop these vendors from doing illegal parasailing

9. Quarterly Reports Regarding Washington Avenue. (6:31 PM)

ACTION: Administration to make a presentation at the next Commission Meeting regarding all the things we are doing with this corridor.

10. Discussion Regarding The Various Types Of Water Sports Activities That Exist Today To Amend The 1964 Ordinance.(6:32 PM)

Fire Chief Javier Otero presented the history of the ordinance and current locations where various types of water sports activities exist.

Commissioner Tobin directed Fire Chief, Javier Otero to consult with Ocean Rescue and ensure that everyone is comfortable with the current areas being utilized by these various water sports activities.

Commissioner Libbin does not want to further restrict if there is no danger. If the swimmers are safe and it's currently working then he is okay with it. Once Fire Chief, Javier Otero consults with Ocean Rescue and if there is any discrepancy, then bring back to committee. Otherwise we can go with the recommendations brought forward.

11. Discussion Regarding "Green Alleys" on Miami Beach

Commissioner Tobin directed Administration to move forward with Green Alleys.

Commissioner Libbin acknowledged the scheduled meeting for the Sustainability Committee taking place the following day which the item will be discussed.

ACTION: Public Works Department Director Fred Beckmann to send an LTC with updates On what was recommended by the Sustainability Committee

12. Discussion Regarding Section 2-459, Entitled "Certain Appearances Prohibited" Ordinance.

City Attorney Jose Smith explained that the section on the title is not correct. The County Code already has a two year prohibiting not allowing former staff, specifically the City Manager from lobbying. He will send the section to Dessiree Kane, Commissioner Tobin's Aide so she may forward to those residents who raised the issue.

ACTION: Jose Smith to forward section to Dessiree Kane, Commissioners' Aide for clarification

13. Discussion Regarding Changing The Bikeways Blue Ribbon Committee To A City Committee. (6:26)

Commissioner Tobin and Commissioner Libbin both agreed that the Bikeways Blue Ribbin Committee should be a City Committee.

ACTION: Commissioner Libbin made a motion to change the Blue Ribbon Committee to a permanent Bicycle Pedestrian Committee.

14. Discussion Regarding Jimmy Morales

Commissioner Libbin asked Administration to look into the investigation on his campaign expenses. Also, Acting Assistant City Manager, Max Sklar to request a copy of the report results from the Ethics Commission Committee.

THE MEETING ADJOURNED AT 6:43 PM.

KGB/MAS/BH/